

George F. Nelson, Esq.,
Assistant Attorney General

February 3, 1954

Attorney General

- (1) Loyalty Oaths
- (2) Auxiliary Police

Admiral C. A. Brinkmann
State Director of Civil Defense

Dear Admiral Brinkmann:

As to the questions raised in your letter of January 23, 1954 in relation to the above entitled subjects in connection with civil defense, I advise as follows:

1. Laws of 1953, chapter 224, section 16 requires that before entering upon his duties a person who is appointed to serve in an organization for civil defense shall take oath in form as set forth therein, in writing, before a person authorized to administer oaths in this state. The oath referred to in Civil Defense Advisory Bulletin No. 104 relative to Public Law 268, 82nd Congress, approved March 5, 1952, is an oath concerned solely with support, defense, true faith and allegiance to the Constitution of the United States. Because our New Hampshire oath is of broader scope than the oath so authorized to be taken, the New Hampshire form of oath must be taken in writing before a notary public or justice of the peace within his county as provided by Revised Laws of New Hampshire, chapter 26, section 7, and chapter 25, section 3.

2. The provisions of Laws of 1953, chapter 224, section 19, apply to Civil Defense Auxiliary Police during the existence of a state of civil defense emergency only.

There is nothing to prohibit local governmental authorities from designating as special police officers in accordance with Revised Laws, chapter 422, persons who are also members of Civil Defense Auxiliary Police. However, appointment of Persons as Civil Defense Auxiliary Police does not confer upon such appointees police powers except during the limited actual civil defense emergency.

Very truly yours,

George F. Nelson
Assistant Attorney General

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